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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,502	12/19/2005	Clive Morel Fourman	S1011/20191	6422
3000 7590 07/01/2009 CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD. 11TH FLOOR, SEVEN PENN CENTER 1635 MARKET STREET PHILADELPHIA, PA 19103-2212			EXAMINER ZAGARELLA, STEPHANIE R	
			ART UNIT 4135	PAPER NUMBER
			NOTIFICATION DATE 07/01/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@crbcp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/561,502	<b>Applicant(s)</b> FOURMAN, CLIVE MOREL	
	<b>Examiner</b> Stephanie Zagarella	<b>Art Unit</b> 4135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 26 is/are pending in the application.
- 4a) Of the above claim(s) 12-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-11 and 26 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20 SEP 2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to the communication filed on 9 June 2009.
2. Claims 3, 5, 6, 7, 8, 10, 11 have been amended through a preliminary amendment on 19 December 2005.
3. Claim 26 has been added.
4. Claims 12-25 have been withdrawn from consideration resulting from a restriction requirement.
5. Claims 1-11 and 26 were elected without traverse, are currently pending and have been examined.

### ***Specification***

6. The use of the trademark MICROSTRATEGY has been noted in this application. All trademarks should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

7. Claim 9 is objected to because of the following informalities: typographical

errors, "clam" should read claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. **Claims 1-11 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson et al. (US 6,668,253 B1) hereinafter Thompson.**
10. As per Claim 1 Thompson teaches:
- *an input device* (see at least Thompson Fig. 1 items 107, 102 work stations contain alphanumeric input devices);
  - *a graphical user interface arranged to display, when in use, a scorecard or other representation of information* (see at least Thompson Fig. 1 items 107

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- and 102 work stations contain computer displays and Fig. 2 is an example of an interface screen generated by the system that represents system information such as reports, administrative functions, system analysis, etc.);  
*and*
- *a processor coupled to the input device and the graphical user interface (see at least Thompson Fig. 1 items 107, 102 work stations contain computer processing units, input devices, and a display),*
    - *the scorecard includes a representation of a plurality of indicators associated with the entity (see at least Thompson Fig. 3 illustrates an example of an enterprise information management interface using key performance indicators, Column 8 lines 36-41);*
  - *the processor being responsive to selection from the plurality of indicators of an indicator using the input device (see at least Thompson Fig. 9 items 8 and 11 presenting information in response to results or a request) so as to provide access to a plurality of selectable discrete elements that constitute a basis upon which a state of the indicator is determined (see at least Thompson Figs. 2-4 illustrate a multitude of interface screen which selectable elements that are used to evaluate and analyze a system).*
11. Thompson teaches the system set forth in Claim 1 above. As per Claim 2 Thompson further teaches:
- *at least one of the selectable discrete elements is editable (see at least Thompson Column 9 lines 22-31 report properties and elements can be*

changed dynamically by the user).

12. Thompson teaches the system set forth in Claim 1 above. As per Claim 3 Thompson further teaches:

- *the basis of determination of the state of the indicator is a checklist* (see at least Thompson Fig. 23 illustrating a validation step within the transformation and cleansing process. A checklist is considered to be a sequence or list of checks or actions to be performed in order to complete, confirm or verify something else. It would be obvious to one of ordinary skill in the art to consider a validation process equivalent to a checklist of requirements because both verify the status or condition of the subject or object for which the evaluation is being performed upon).

13. Thompson teaches the system set forth in Claim 1 above. As per Claim 4 Thompson further teaches:

- *the state of the indicator is colour coded, a colour of the indicator corresponding to the state of the indicator* (see at least Thompson Column 10 lines 27-29 colors identify different conditions established for each element).

14. Thompson teaches the system set forth in Claim 1 above. As per Claim 5 Thompson further teaches:

- *additional information associated with an item of the information associated with the indicator is accessible in response to a selection of the item of information* (see at least Thompson Column 10 lines 53-62 enterprise information management provides the ability to drill data at any point of the

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process in order to obtain a lower or higher level of understanding).

15. Thompson teaches the system set forth in Claim 1 above. As per Claim 6

Thompson further teaches:

- *the indicator is one of a Key Performance Indicator (KPI), a Key Transformation Indicator (KTI), or a Key Survey Indicator (KSI) (see at least Thompson Column 7 lines 20-23 Key Performance Indicators).*

16. Thompson teaches the system set forth in Claim 1 above. As per Claim 7

Thompson further teaches:

- *the information associated with the indicator and/or the additional information are/is a contextual means of access to a source of information (see at least Thompson Column 33 lines 20-55 technical meta data provides source and location fields).*

17. Thompson teaches the system set forth in Claim 1 above. As per Claim 8

Thompson further teaches:

- *the indicator and/or a relationship between the indicator and other indicators from the plurality of indicators or information associated with the indicator constitutes meta-data (see at least Column 9 lines 35-40 reports allow users to identify relationships among data, and Column 32 Lines 38-49 meta data provides details about business and technical aspects of the system).*

18. Thompson teaches the system set forth in Claim 1 above. As per Claim 9

Thompson further teaches:

- *a colour of the indicator constitutes the meta-data (see at least Thompson*

Column 10 lines 31-38 color and textual identifiers are used to describe conditions or exceptions).

Meta-data is considered additional information about a system that describes a condition in detail. Therefore because meta-data is used to describe the details of a condition and a condition is indicated by a color or textual indicator, Thompson teaches the system as limited in Claim 9.

19. Thompson teaches the system set forth in Claim 1 above. As per Claim 10 Thompson further teaches:

- *the source of information is a knowledge base* (see at least Figs. 11, 20, 21, and 26 where operations are performed with data from a data warehouse and metadata. A knowledge base is considered for examination purposes to be a collection of data that provides information about a system).

20. Thompson teaches the system set forth in Claim 1 above. As per Claim 11 Thompson further teaches:

- *at least one of the plurality of indicators changes state in response to at least another one of the plurality of indicators* (see at least Fig. 3 where revenue, profit performance, inventory, and cash flow are examples of performance indicators. Multiple types of analyses are available to perform on this performance data. It would be inherent when working with the same data that if one indicator is changed it would affect the state of the other indicators as well because all of the analyses are based on the same aggregate data).

21. Thompson teaches the system set forth in Claim 1 above. As per Claim 26



Thompson further teaches:

- the source of information is a knowledge base (see at least Figs. 11, 20, 21, and 26 where operations are performed with data from a data warehouse and metadata. A knowledge base is considered for examination purposes to be a collection of data that provides information about a system).

### **Conclusion**

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bye (US 2002/0178049 A1) details a system, method and interface for evaluating a supply base of a supply chain.
- Spira et al. (US 2002/0035495 A1) describes a method of providing an assessment of the service needs of a manufacturing facility.
- Myrick et al. (US 2004/0143470 A1) portrays a structure and method of modeling integrated business and information technology frameworks and architecture in support of a business operation.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie Zagarella whose telephone number is (571)270-1288. The examiner can normally be reached on Mon-Fri 8 to 5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naeem Haq can be reached on 571-272-6758. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Z./  
Examiner, Art Unit 4135  
23 June 2009

/Naeem Haq/

Supervisory Patent Examiner, Art Unit 4135